

### **REMARKS**

Upon entry of this amendment, claims 1, 4-5, 7-10, 12-19 and 21-24 are pending in the application. By this paper, claims 1, 4, 5, 7, 12, 14, 15 and 18 have been amended, claims 2, 3, 11 and 20 have been cancelled and new claims 22-24 have been added. Reconsideration and allowance of claims 1-5 and 7-21 are respectfully requested.

#### **Rejection under 35 U.S.C. § 101**

Claims 1-5 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. According to the Office Action, these claims do not employ a particular machine. By this paper, claims 1, 4 and 5 have been amended to better tie the claimed functionality to a particular machine. Claim 2 is cancelled. Withdrawal of the rejection of claims 1 and 3-5 under 35 U.S.C. § 101 is respectfully requested.

#### **Prior Art Rejection**

Claims 1, 2, and 7-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US patent number 6,067,525 to Johnson, et al. ("Johnson '525") in view of US patent publication number 2002/0006126 A1 to Johnson, et al. ("Johnson '126"). Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson '525 in view of Johnson '126 and further in view of US patent number 4,973,952 to Malec ("Malec"). Reconsideration of the rejection of claims 1-21 is respectfully requested.

**The proposed combinations do not render claims 1, 4-5, 7-10, 12-19 and 21-24 unpatentable.**

Independent claims 1, 7, 12, 15 and 18 have been amended to further distinguish the invention defined by these claims over the cited references. These claims each generally recite identifying a context of a conversation or interaction including determining a geographic location of a device and identifying a geographic context. The context of the conversation, including the geographic context, is used to retrieve stored information that will be pertinent to the

conversation or interaction. Johnson '525, Johnson '136 and Malec, taken alone or in combination, fail to disclose these features.

Johnson '525 discloses a salesforce automation system which includes a backoffice system 100 and a salesperson support system 100 (FIG. 2). The salesperson support system 100 may be portable and carried with a salesperson to interact with a customer. A customer module 404 facilitates gathering of customer specific information and integrates with an event manager 201A (column 13, lines 7-20). The event manager can recognize the "context" in which information was obtained and can generate different responses based on the "context" (column 18, lines 36-49). The system of Johnson '525 is implemented as a portable computer in one example, column 10, lines 20-25.

Johnson '525, however, appears to operate only on data entry by the salesperson. Johnson '525 does not disclose a device or feature for "non-obtrusively detecting spoken words of at least one of the sales agent and the customer," as recited in claim 1, for example, or "detecting signals representative of speech of a conversation," as recited in claim 7, for example. For this missing teaching, the office action looks to Johnson '126 in an unrelated art. Johnson '126 discloses a system which allows users to access information using voice inputs or commands (para. [0019]). A detection unit 260 receives audio inputs and compares them to a stored vocabulary or grammar. The incoming audio inputs are monitored for key phrases or words. When key phrases or words are detected in the audio input, a pre-recorded message is played to the user (para. [0060]).

Neither Johnson '525 nor Johnson '126 show, describe or even suggest determining a geographic location of a conversation. The Office Action, in rejecting claim 2, refers to column 26, lines 45-55 of Johnson '525 for such a feature. However, this passage merely states that "International language selection can be supported with this tool to provide a sales system usable by salespeople in different languages." There is no suggestion of actually determining a geographic location, much less using location information in a geographic context to retrieve relevant information.

In rejecting claims 3-5, the Office Action acknowledges that Johnson '525 and Johnson '126 fail to disclose features of these claims such as automatically estimating a geographic location of the sales agent or, based on the geographic location, retrieving information about

products for sale. Instead, the Office Action relies on Malec and asserts that Malec discloses estimating a geographic location of the sales agent and the customer and retrieving information about products for sale near the geographic location, citing Malec column 1, lines 55-57 and column 2, lines 26-28.

Applicants respectfully disagree. Malec actually relates to a Shopping Cart Display (SCD) that can deliver messages to a shopping cart based on location in a store, column 1, lines 52-58. To achieve this, "Throughout the store at various locations are transmitters mounted on the shelves, or where shelves do not exist, on any convenient structure, e.g., hung from the ceiling. Each transmitter radiates a unique electromagnetic signal that causes the SCD electronics to display, either immediately or after a time delay, the advertisement corresponding to that signal. In this manner, the transmitters act as signposts to inform the SCD of its location and orientation.

Malec's device does not determine a geographic location. Rather, a trigger transmission having a unique address is received at the SCD when the SCD is in the vicinity of a transmitter. The transmitters are at fixed locations in the store. In response to the transmission, "the SCD searches its memory for any message with the corresponding trigger address. If an address match is found, the message associated with that address is displayed either immediately or after a time delay," column 7, lines 1-17.

Accordingly, Malec does not disclose determination of a location. The transmitters are fixed so no location needs to be determined. The transmitters simply transmit and the SCD receives the transmission when in proximity to the transmitter.

This is distinctly different from the present technique of determining a geographic location and using that location as a geographic context to retrieve information. The geographic location of, for example, the real-time sales support tool of claim 12 or the just in time learning tool of claim 15 can change, and providing information based on the current location is important.

None of the cited references shows this feature. In fact, Malec teaches away from such a feature by providing a fixed network of transmitters to trigger the providing of information related to a geographic location, rather than a technique for actively determining the geographic

location as it varies. Accordingly, it is respectfully submitted that the proposed combination does not include all features of claims 1, 4-5, 7-10, 12-19 and 21-24

**Johnson ‘525, Johnson ‘126 and Malec may not be functionally combined as proposed**

Johnson ‘525 relates to a salesforce automation system which includes a backoffice system 100 and a salesperson support system 100 (FIG. 2). The salesperson support system 100 may be portable and carried with a salesperson to interact with a customer. Johnson ‘126, on the other hand, relates to a system for voice access to information from anywhere in the world. The system (FIG. 3) is accessed for example over a telephone system (PSTN 214) or the internet and provides speech processing and recognition so that a caller’s spoken commands and inquiries are understood and responded to.

The Office Action asserts at page 5 that it would have been obvious to combine Johnson ‘525 and Johnson ‘126 in order to tailor the presentations and information at the salesperson support system described by Johnson ‘525 using information captured by the system of Johnson ‘126. However, the Johnson ‘525 salesperson support system includes no voice or speech processing facility. The system relies on data processing inputs (orders, changed addresses and so forth) provided by the salesman which can be monitored and responded to. There is no suggestion to monitor speech or a conversation, and adding the information access system of Johnson ‘126 would not be suggested to the ordinarily skilled artisan viewing Johnson ‘525’s design. With no suggestion to process speech or receive audio, the Johnson ‘525 device is functionally incompatible with the system of Johnson ‘126. Rather than being combinable, it is respectfully submitted that these references have been pieced together using hindsight and the applicants’ disclosure.

Similarly, Malec comes from a completely different art. Malec relates to providing information to a user of a shopping cart in a retail store. However, all relevant data appears to be stored at Malec’s device. No information is provided to the device and the device is actuated by receipt of a trigger transmission. The Office Action proposes the combination because “it would have been obvious to one of ordinary skill in the art at the time of the invention to use location

information to custom tailor the presentation presented to the customer in order to provide more up to date and specific information to the customer.”

Unfortunately, Malec does not provide location information. As noted above, Malec uses fixed transmitters that merely transmit a unique code. When the code is received by the portable shopping cart, a message keyed to the code is retrieved and presented. No location information is used, created or presented. Malec’s system provides location-related information without having to calculate or determine a location. Combining Malec’s system with the salesperson support system of Johnson ‘525 could only work if it was also matched with a Malec-type network of transmitters to provide trigger transmissions to the salesperson support system. Still, such a device would not determine geographic location.

For these reasons, then, it is submitted that the invention defined by the pending claims, as amended, is patentable over the cited art. Withdrawal of the rejections of these claims is respectfully requested.

#### **Additional Claim amendments**

New claims 22-24 have been added. Claims 22 and 23 are dependent from claim 1. Claim 22 recites that the processor as recited in claim 1 is located in a server system. On the other hand, Claim 23 recites that the processor as recited in claim 1 is located in a portable computer carried by the sales agent. Support for these additional claims may be found at paragraph [0047] of the application as filed. New claim 24 is dependent from claim 12 and recites an 802.11b based location engine to determine the geographic location of the conversation. Support for this new claim may be found at paragraph [0047] of the application as filed.

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With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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